

REMARKS

Claims 1 – 15 were pending in this application.

Claims 1 – 15 were rejected.

Claims 1, 6, 9, and 13-15 are amended.

Claim 10 is cancelled.

I. 35 USC 112 Rejections

The Examiner has objected to the wording of Claim 6 under 35 USC 112, second paragraph. Claim 6 been amended to remove the stated cause of rejection. All pending claims are now believed to stand in proper form under 35 USC 112.

III. 35 USC 103(a) Rejections

Claims 1 , 3, 4 and 8 were rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,658,775 to Lanzisero in further view of U.S. Pat App Pub 2003/0066224 to Sumner and U.S. Patent No. 4,848,542 to Burnette.

The rejected claims contain one independent claim, which is Claim 1. Claim 1 has been amended is believed to be distinguishable over the combined references as is explained below.

Claim 1 sets forth a mounting device for mounting an electronic toll payment pass to the interior of a contoured windshield and diminishing the visibility of the electronic toll pass through the windshield. The claimed device includes a flexible support substrate having a face surface and a back surface. The flexible support substrate conforms to the interior of the contoured windshield.

A display image is provided on the face surface of the flexible support substrate. An adhesive coating is present on at least part of the display image. This enables the display image to be selectively attached directly to the contoured windshield of the vehicle as said flexible support

substrate conforms to the contoured windshield.

At least one fastener is provided on the back surface of the flexible support substrate. The fastener enables the electronic toll payment pass to be selectively mounted to the back surface of said flexible support substrate.

By adhering the display image against the windshield, the display image is viewable through the windshield. Consequently, when the electronic toll payment pass is attached to the back of the flexible support substrate, the visibility of the electronic toll payment pass is greatly diminished.

The Lanzisero patent discloses a mounting system for an electronic toll payment pass. The Lanzisero device used a mounting plate (14). The mounting plate attached to the windshield with a suction cup (26).

The mounting plate is made of a hard transparent plastic, such as clear acrylic. (See Lanzisero, column 4, lines 54-55.

As such, the electronic toll payment pass can be seen through the structure of the mounting plate. The mounting plate therefore does little or nothing to hide the presence of the electronic toll mounting plate.

As applied to the specific wording of Claim 1, it can be seen that the Lanzisero patent does not disclose a device for holding a toll payment pass that contains a display image.

The Lanzisero patent does not disclose a holder for a toll payment pass that has a flexible support substrate.

Lastly, the Lanzisero patent does not disclose a holder for a toll payment pass where adhesive is used to attach the display image directly to the windshield.

The Sumner reference discloses a display for a paper sign. The Sumner device has a flexible window plate (3). The window plate (3) is supported along opposite side edges by two mounting plates (2). The mounting plates (2) attach to the car window. The mounting plates (2) hold the window plate away from the car window. A pocket is therefore created in between the car window and the window plate. This pocket is used to hold a sign.

It can be seen that, like Lanzisero , the Sumner reference does not disclose a device for holding a toll payment pass that contains a display image.

The Sumner patent does not disclose a display image directly attached to a flexible support substrate. Rather, the Sumner reference shows a paper sign that is held freely in a pocket.

Lastly, like Lanzisero, the Sumner reference does not disclose a holder for a toll payment pass where adhesive is used to attach the display image directly to the windshield. Rather, in Sumner only the mounting rails at the sides of the pocket attach to the window glass

The Burnette patent discloses a package for holding a mirror. The package has suction cups on opposite sides so it can be used to attach a mirror to a smooth surface. Although the Burnette [patent shows an area for indicia (22) that area is a small section disposed in the center of a large field of suction cups. No disclosure is made of a display image that covers the face surface of a mounting substrate.

It can be seen that, like Lanzisero and Sumner, the Burnette reference does not disclose a device for holding a toll payment pass that contains a display image that can diminish the visibility of the toll payment pass. Furthermore, like Lanzisero and Sumner, the Burnette patent does not disclose a holder for a toll payment pass where adhesive is used to attach the display image directly to the windshield. Rather, Burnette patent makes no reference to either display images or adhesive.

In combination, it is clear that the Lanzisero patent, the Sumner reference and the Burnette patent all fail to disclose or suggest a holder for a toll payment pass that is designed to diminish the visibility of the toll payment pass. The Lanzisero patent, the Sumner reference and the Burnette patent all fail to disclose or suggest a device for holding a toll payment pass that contains a display image over the face of a mounting substrate that can diminish the visibility of a toll payment pass. Lastly, the Lanzisero patent, the Sumner reference and the Burnette patent all fail to disclose or suggest a toll payment pass where adhesive is used to attach the display image directly to the windshield.

Since these features are specifically claimed in Claim 1, it is clear that the combined references do not disclose the matter of Claim 1. It is therefore requested that the 35 USC 103 rejection as applied to claim 1 and its dependent claims be withdrawn.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,658,775 to Lanzisero in further view of U.S. Pat App Pub 2003/0066224 to Sumner; U.S. Patent No. 4,848,542 to Burnette, and U.S. Patent No. 6,127,938 to Friedman.

Claim 2 depends from Claim 1. The matter of Claim 1 has been differentiated from the Lanzisero, Sumner and Burnette references for the reasons previously presented.

The Friedman patent discloses a toll payment pass holder that attached to the sun visor of an automobile. The Friedman patent does not disclose a toll payment pass holder with any display image. The Friedman patent also does not disclose a display image adhesively attached directly to the windshield. As such, the Friedman patent does not address the deficiencies of the patent discloses a recording device that attaches to a toilet flush handle and plays messages when the toilet is flushed.

The Friedman patent does nothing to address the deficiencies of the Lanzisero, Sumner and Burnette references as applied to Claim 1.

Claim 2 is therefore believed to be allowable since it depends from and further defines and allowable base claim.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,658,775 to Lanzisero in further view of U.S. Pat App Pub 2003/0066224 to Sumner; U.S. Patent No. 4,848,542 to Burnette, and U.S. Patent No. 3,837,608 to Simon.

Claim 5 depends from Claim 1. The matter of Claim 1 has been differentiated from the Lanzisero, Sumner and Burnette references for the reasons previously presented.

The Simon patent discloses a pasteboard dispenser. The Simon patent has nothing to do with toll collection passes and it is the position of the Applicant that the Simon patent is non-analogous prior art. No expert in the field of holders for toll collection passes would have motivation to search pasteboard dispensers.

The Simon patent does not disclose a toll payment pass holder with any display image. The Simon patent also does not disclose a display image adhesively attached directly to the windshield. As such, the Simon patent does not address the deficiencies of the Lanzisero, Sumner and Burnette references as applied to Claim 1.

Claim 5 is therefore believed to be allowable since it depends from and further defines and allowable base claim.

Claims 9 and 13-15 were rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,658,775 to Lanzisero in further view of U.S. Pat App Pub 2003/0066224 to Sumner.

The rejected claims contain one independent claim, which is Claim 9. Claim 9 has been amended is believed to be distinguishable over the combined references as is explained below.

Claim 9 sets forth a method of mounting an electronic toll payment pass to a contoured windshield of a vehicle in a manner that diminishes the visibility of the electronic toll payment pass through the contoured windshield. In the claimed method, a flexible support substrate is provided that has a face surface and a back surface. The flexible support substrate includes a display image that is visible when viewing the face surface.

The mounting structure is adhesively attached to the contoured windshield of the vehicle. The face surface of the mounting structure abuts against the contoured windshield as the flexible support substrate conforms to the contoured windshield.

An electronic toll payment pass is attached to the back surface of the flexible support substrate. The flexible support substrate is interposed between the contoured windshield and the electronic toll payment pass, thereby obstructing the visibility of the toll payment pass.

The Lanzisero patent discloses a mounting system for an electronic toll payment pass. The Lanzisero device used a mounting plate (14). The mounting plate attached to the windshield with a suction cup (26).

The mounting plate is made of a hard transparent plastic, such as clear acrylic. (See Lanzisero, column 4, lines 54-55.

As such, the electronic toll payment pass can be seen through the structure of the mounting plate. The mounting plate therefore does little or nothing to hide the presence of the electronic toll mounting plate.

As applied to the specific wording of Claim 9, it can be seen that the Lanzisero patent does not disclose a device for holding a toll payment pass that contains a display image.

The Lanzisero patent does not disclose a holder for a toll payment pass that has a flexible support substrate.

Lastly, the Lanzisero patent does not disclose a holder for a toll payment pass where adhesive is used to attach a flexible mounting substrate directly to the windshield.

The Sumner reference discloses a display for a paper sign. The Sumner device has a flexible window plate (3). The window plate (3) is supported along opposite side edges by two mounting plates (2). The mounting plates (2) attach to the car window. The mounting plates (2) hold the window plate away from the car window. A pocket is therefore created in between the car window and the window plate. This pocket is used to hold a sign.

It can be seen that, like Lanzisero, the Sumner reference does not disclose a device for holding a toll payment pass that contains a display image.

Lastly, like Lanzisero, the Sumner reference does not disclose a holder for a toll payment pass where adhesive is used to attach the flexible substrate and display image directly to the

windshield. Rather, in Sumner only the mounting rails (2) at the sides of the pocket attach to the window glass.

Since these features are specifically claimed in Claim 9, it is clear that the combined references do not disclose the methodology set forth in Claim 9. It is therefore requested that the 35 USC 103 rejection as applied to Claim 9 and its dependent claims be withdrawn.

Claims 11 and 12 were rejected under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,658,775 to Lanzisero in further view of U.S. Pat App Pub 2003/0066224 to Sumner; U.S. Patent No. 4,848,542 to Burnette, and U.S. Patent No. 4,858,869 to Stang.

Claims 11 and 12 depends from Claim 9. The matter of Claim 9 has been differentiated from the Lanzisero and references for the reasons previously presented.

The Stang patent discloses a cup holder. The Stang patent has nothing to do with toll collection passes.

The Stang patent does not disclose a toll payment pass holder with any display image. The Simon patent also does not disclose a mounting substrate with display image that is adhesively attached directly to the windshield. As such, the Stang patent does not address the deficiencies of the Lanzisero and Sumner as applied to Claim 1.

Claim 11 and 12 are therefore believed to be allowable since they depend from and further defines and allowable base claim.

III. SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215)

321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.


Respectfully Submitted,

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